

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/656,757	LIN ET AL.	
	Examiner Sheela Rao	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 5/20/05.
2.  The allowed claim(s) is/are 1-28.
3.  The drawings filed on 06 September 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 5/20/05
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*Albert W. Paladini 7-21-05*  
**ALBERT W. PALADINI**  
**PRIMARY EXAMINER**

**DETAILED ACTION**

1. Applicant's amendment filed on 20 may 2005 has been entered and considered.
2. Claims 1-28 are pending and presented for examination. Among these claims, claims 1, 5, 12, and 18-22 have been amended.
3. Applicant's submission of references on form PTO-1449, filed on May 20, 2005 has been considered. A signed copy of the form is attached.

***Response to Amendment***

4. The objection made to the specification is withdrawn.
5. The objection made to claims 1-7, 12-14, and 18-24 based on certain informalities is withdrawn in light of the amendments made to the claims.
6. The rejection of claims 1-28 under 35 SC §103(a) as being unpatentable over US Patent 6,737,208 B1 to Bode et al. in view of US Patent 6,788,996 to Shimizu is withdrawn in light of the amendments made to the claims and Applicant's arguments.

***Allowable Subject Matter***

7. Applicant's arguments, filed May 20, 2005, with respect to claims 1-28 have been fully considered and are persuasive. The objections/rejections of claims 1-28 has been withdrawn as aforementioned.
8. Claims 1-28 are allowed.

9. The following is an examiner's statement of reasons for allowance:

The prior arts of record do not teach a system and method for overlay registration control when fabricating micro-electronic products. Moreover, the prior arts fail to teach or fairly suggest the dividing of one lot into a subset of lots for use in calibrating a photolithographic process prior to processing

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subsequent lots. Additionally, the calibration process of the instant invention takes place prior to the processing of a substrate, which is not taught by the prior arts.

The limitations of claims 1, 5, 12, 18, and 22 in combination with the other elements and features of the instant invention are not taught, disclosed, or fairly suggested by the prior arts record. Thereby, rendering claims 1-28 patentable as being novel and/or non-obvious over the references of prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be reached Monday - Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. The fax number for the organization where this application or any proceeding papers is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. It should be noted that status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should any questions arise regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sheela S. Rao  
July 20, 2005



7-21-05

ALBERT W. PALADINI  
PRIMARY EXAMINER